

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ORRIN TYLER COLBURN,

Plaintiff,

v.

BUTTE COURTHOUSE, et al.,

Defendants.

No. 2:23-cv-2316 CKD P

ORDER AND

FINDINGS AND RECOMMENDATIONS

Plaintiff is a Butte County Jail prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. Plaintiff's amended complaint is before the court for screening.

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2).

Plaintiff complains that the Superior Court of Butte County has denied plaintiff a parole hearing. The court assumes that plaintiff sought collateral relief in the Superior Court of Butte County seeking a parole hearing, but the request for a hearing was denied. In any case, plaintiff fails to point to anything suggesting that his being denied a parole hearing by the Superior Court

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1 of Butte County violates federal law. For this reason, plaintiff fails to state a claim arising under  
2 federal law upon which relief can be granted.

3 The allegations in plaintiff's amended complaint are essentially the same as the  
4 allegations made in his original complaint. When the court dismissed the original with leave to  
5 amend the court provided plaintiff with guidance as to the contents of his amended complaint.  
6 Despite the advice given, plaintiff still fails to state a claim rendering granting leave to amend a  
7 second time futile.

8 In accordance with the above, IT IS HEREBY ORDERED that the clerk of the court  
9 assign a district court judge to this case.

10 IT IS HEREBY RECOMMENDED that:

- 11 1. Plaintiff's amended complaint be dismissed; and  
12 2. This case be closed.

13 These findings and recommendations are submitted to the United States District Judge  
14 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
15 after being served with these findings and recommendations, plaintiff may file written objections  
16 with the court. The document should be captioned "Objections to Magistrate Judge's Findings  
17 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
18 time waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th  
19 Cir. 1991).

20 Dated: September 13, 2024

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22 CAROLYN K. DELANEY  
23 UNITED STATES MAGISTRATE JUDGE  
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